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SUBJECT: PANAMA: HUMAN RIGHTS ROUNDUP

SUMMARY

1. (U) Post plans to provide a regular human rights update to supplement the yearly Human Rights Report in order to track emerging changes in the human rights situation in Panama. Below follows a summary of Post's most recent contact with a number of groups advocating for the rights of individuals, including women, homosexuals and persons with disabilities. END SUMMARY

Women: Murders by Spouses

2. (SBU) More than 30 women were killed by their spouses last year, according to Maribel Jean, Executive Director of the Catholic NGO Justice and Peace, who met with POLOFF on June 5. The concern that domestic violence was on the rise was echoed by Dayanara Salazar Medina of the Human Rights Ombudsman's Office of Women's Affairs on July 9. Salazar noted that 20 more women were killed already this year in domestic violence situations, the majority in impoverished areas, and she speculated that the economic pressure on poor families contributed to the spike. Jean noted that Panama needed more shelters or other safe places for battered women to go after making an accusation of abuse.

Quotas for Women in Politics

3. (SBU) Panama's electoral law states in article 239 states that "political parties will guarantee that, at a minimum, 30% of their candidates for posts inside the parties or for candidates for popular election are women." In June, a women's political organization, the National Forum of Women in Political Parties, filed a complaint with the Electoral Tribunal (TE) that the parties were not complying with this requirement. For example, for the primary elections, the only 17% of Panamenista Party candidates were women and 16% of Patriotic Union candidates were women. In reply, a magistrate of the TE noted in an interview that it was not obligatory for the parties to have 30% of eventual general election candidates be female, but only that the list of initial primary candidates have the requisite number of females. Salazar of the HR Ombudsman's Office said that the TE could - and should - take action to restrict the subsidies received by political parties, part of which was earmarked to create incentives to encourage women to become involved in politics, until they complied. However, she expected the TE to take no action, because they had in the past looked the

other way when parties subverted this rule by loading up long primary lists with women who had no chance of winning a primary election slot. (NOTE: The HR Ombudsman's Office has no enforcement power, but exercises its "moral authority."

¶4. (U) The Supreme Court is expected to rule on the constitutionality of this phrase. Attorney General Ana Matilda Gomez on August 13 asked the Supreme Court to declare this phrase constitutional, on the basis that this is a positive and internationally accepted measure. She further noted that this rule would eradicate traditional barriers against female participation and the exercise of political power.

Sodomy Decriminalized; Homosexuality a "Grave Fault"

¶5. (U) Sodomy was decriminalized by an Executive decree on August 1, to little notice other than short articles in the mainstream press. The reason given for this action was complaints from homosexual rights groups.

¶6. (SBU) The internal regulations of the Panamanian National Police (PNP) still described homosexuality as a "grave fault," which was punishable by dismissal or no more than 60 days in jail, President of the Association of New Men and Women of Panama (AHMNP) Ricardo Beteta told POLOFF on June 5. AHMNP lobbies the government on homosexual rights. Judging by the comments of the Minister of Government and Justice, Daniel Delgado Diamante, this is unlikely to change. In an interview on April 6, Delgado declared, "as long as I am in this job, gays will not be permitted" in the police, and on April 10 he said that "I cannot imagine a homosexual police officer." Beteta also reported individuals being stopped and harassed by PNP officers due to their supposed homosexual appearance.

¶7. (SBU) In the area of health care, Beteta reported that authorities had prevented his organization from distributing condoms on the parade route during annual Carnival events and had forced them to the margins of the event. Additionally, medical privacy was generally not respected for persons with HIV/AIDS, according to Orlando Quintero, Director of Probidside, a NGO that provides services to persons living with HIV/AIDS, POLOFF learned on June 6. Additionally, although pre-employment HIV testing was prohibited in Panama, this law was not always followed, according to Quintero.

Persons with Disabilities

¶8. (SBU) Little has changed in the past year for most people with disabilities, Maria Claudia Garcia of the HR Ombudsman's Office of Disabled Persons told POLOFF on July 8. Although Panamanian law prohibits discrimination and in fact guarantees a host of rights, substantial discrimination exists in employment and public schools. Most public schools did not comply with the law requiring equal access to public education, citing the high cost and lack of adequate funds needed to offer sufficient services.

¶9. (SBU) Garcia personally intervenes when the Ombudsman's Office receives any kind of complaint, and she claims that employers are often willing to make accommodations that would permit a disabled person to work, but they usually make the accommodations over a long period of time, due to cost. The Ombudsman produces educational materials about the kinds of disability and the rights of disabled persons and distributes them at public events throughout Panama.

¶10. (SBU) SENADIS, the government agency charged with integrating and coordinating the efforts of government agencies on behalf of people with disabilities, is largely ineffective, Fanny Wong, disability activist and Latin American coordinator for the Christian Fraternity of Sick and Disabled Persons, told POLOFF on August 14. SENADIS is

largely staffed by family members of disabled persons who lack necessary expertise. For example, she noted that although SENADIS is charged with making public areas accessible, in accordance with Panamanian law, they have no architects or city planners on staff and thus the ramps built are often too narrow, or too steep, or placed where they are inaccessible to persons using wheelchairs. SENADIS focuses its attentions on children and equal education, and ignores the needs of disabled adults, which is due to the fact that President Torrijos has a developmentally disabled daughter, according to Wong.

STEPHENSON